

112TH CONGRESS
1ST SESSION

H. R. 1734

To decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2011

Mr. DENHAM introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Oversight and Government Reform and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Civilian Property Re-
5 alignment Act” or “CPRA”.

1 **SEC. 2. PURPOSE.**

2 The purposes of this Act are to—

3 (1) consolidate the footprint of Federal build-
4 ings and facilities;

5 (2) maximize the utilization rate of Federal
6 buildings and facilities;

7 (3) reduce the reliance on costly leased space;

8 (4) sell or redevelop high value assets that are
9 underutilized to obtain the highest and best value
10 for the taxpayer;

11 (5) reduce the operating and maintenance costs
12 of Federal civilian real properties through the re-
13 alignment of other real properties through consoli-
14 dating, co-locating, and reconfiguring space, and
15 other operational efficiencies;

16 (6) reduce redundancy, overlap, and costs asso-
17 ciated with field offices;

18 (7) create incentives for federal agencies to
19 achieve greater efficiency in their inventories of civil-
20 ian real property by enabling agencies to retain and
21 reinvest savings and sale proceeds;

22 (8) facilitate and expedite the sale or disposal
23 of unneeded civilian properties; and

24 (9) assist federal agencies in achieving the Gov-
25 ernment's sustainability goals by reducing excess

1 space, inventory, and energy consumption, as well as
2 by leveraging new technologies.

3 **SEC. 3. DEFINITIONS.**

4 As used in this Act—

5 (a) **FEDERAL CIVILIAN REAL PROPERTY AND CIVIL-**
6 **IAN REAL PROPERTY.—**

7 (1) **PROPERTY.**—The terms “Federal civilian
8 real property” and “civilian real property” refer to
9 Federal real property assets, including Federal
10 buildings as defined in section 3301 of title 40,
11 United States Code, occupied and improved grounds,
12 leased space, or other physical structures under the
13 custody and control of any federal agency.

14 (2) **FURTHER EXCLUSIONS.**—Subsection (a)(1)
15 shall not be construed as including any of the fol-
16 lowing types of property:

17 (A) Military installations as defined in Sec-
18 tion 2910 of the Defense Base Closure and Re-
19 alignment Act of 1990.

20 (B) Properties that are excluded for rea-
21 sons of national security by the Director of the
22 Office of Management and Budget.

23 (C) Properties that are excepted from the
24 definition of “property” under section 102(9) of
25 title 40, United States Code.

1 (b) FEDERAL AGENCY.—The term “federal agency”
2 means an executive department or independent establish-
3 ment in the executive branch of the Government, and a
4 wholly owned Government corporation.

5 (c) ADMINISTRATOR.—The term “Administrator”
6 means the Administrator of General Services.

7 (d) COMMISSION.—The term “Commission” means
8 the Civilian Property Realignment Commission.

9 **SEC. 4. COMMISSION.**

10 (a) ESTABLISHMENT.—There is established an inde-
11 pendent commission to be known as the Civilian Property
12 Realignment Commission, referred to in this Act as the
13 “Commission”.

14 (b) DUTIES.—The Commission shall carry out the
15 duties as specified in this Act.

16 (c) MEMBERSHIP.—

17 (1) The Commission shall be composed of nine
18 members appointed by the President, by and with
19 the advice and consent of the Senate.

20 (2) In selecting individuals for nominations for
21 appointments to the Commission, the President shall
22 consult with—

23 (A) the Speaker of the House of Rep-
24 resentatives concerning the appointment of two
25 members;

1 (B) the majority leader of the Senate con-
2 cerning the appointment of two members;

3 (C) the minority leader of the House of
4 Representatives concerning the appointment of
5 one member; and

6 (D) the minority leader of the Senate con-
7 cerning the appointment of one member.

8 (3) CHAIRPERSON.—The President shall des-
9 ignate one such individual to serve as chairperson of
10 the Commission.

11 (4) TERMS.—The term for each member of the
12 Commission shall be six years.

13 (5) VACANCIES.—Vacancies shall be filled in
14 the same manner as the original appointment.

15 (6) QUALIFICATIONS.—In selecting individuals
16 for appointment to the Commission, the President
17 shall ensure the Commission contains individuals
18 with expertise representative of the following:

19 (A) Commercial real estate and redevelop-
20 ment.

21 (B) Government management or oper-
22 ations.

23 (C) Community development.

1 **SEC. 5. COMMISSION MEETINGS.**

2 (a) OPEN MEETINGS.—Each meeting of the Commis-
3 sion, other than meetings in which classified information
4 is to be discussed, shall be open to the public. Any open
5 meeting shall be announced in the Federal Register and
6 the Federal website established by the Commission at least
7 14 calendar days in advance. For all public meetings, the
8 Commission shall release an agenda and a listing of mate-
9 rials relevant to the topics discussed.

10 (b) TRANSPARENCY OF INFORMATION.—All the pro-
11 ceedings, information, and deliberations of the Commis-
12 sion shall be open, upon request, to the chairman and the
13 ranking minority party member, and their respective sub-
14 committee chairman and ranking minority party member,
15 of—

16 (1) the Committee on Transportation and In-
17 frastructure of the House of Representatives;

18 (2) the Committee on Oversight and Govern-
19 ment Reform of the House of Representatives;

20 (3) the Committee on Homeland Security and
21 Governmental Affairs of the Senate; and

22 (4) the Committee on Environmental and Pub-
23 lic Works of the Senate.

24 (c) GOVERNMENT ACCOUNTABILITY OFFICE.—All
25 the proceedings, information, and deliberations of the

1 Commission shall be open, upon request, to the Comp-
2 troller General of the United States.

3 **SEC. 6. COMPENSATION AND TRAVEL EXPENSES.**

4 (a) COMPENSATION.—

5 (1) Each member, other than the Chairperson,
6 shall be paid at a rate equal to the daily equivalent
7 of the minimum annual rate of basic pay payable for
8 level IV of the Executive Schedule under section
9 5315 of title 5, United States Code, for each day
10 (including travel time) during which the member is
11 engaged in the actual performance of duties vested
12 in the Commission.

13 (2) The chairperson shall be paid for each day
14 referred to in paragraph (1) at a rate equal to the
15 daily equivalent of the minimum annual rate of basic
16 pay payable for level III of the Executive Schedule
17 under section 5314, of title 5, United States Code.

18 (b) TRAVEL.—Members shall receive travel expenses,
19 including per diem in lieu of subsistence, in accordance
20 with sections 5702 and 5703 of title 5, United States
21 Code.

22 **SEC. 7. EXECUTIVE DIRECTOR.**

23 (a) The Commission shall appoint an Executive Di-
24 rector.

1 (b) The Executive Director shall be paid at the rate
2 of basic pay payable for level IV of the Executive Schedule
3 under section 5315 of title 5, United States Code.

4 **SEC. 8. STAFF.**

5 (a) Subject to subsection (b), the Executive Director,
6 with the approval of the Commission, may appoint and
7 fix the pay of additional personnel.

8 (b) The Executive Director may make such appoint-
9 ments without regarding to the provisions of title 5,
10 United States Code, governing appointments in the com-
11 petitive service, and any personnel so appointed may be
12 paid without regard to the provisions of chapter 51 and
13 subchapter III of chapter 53 of that title relating to classi-
14 fication and General Schedule pay rates, except that an
15 individual so appointed may not receive pay in excess of
16 GS–15 of the General Schedule.

17 (c) Upon request of the Executive Director, the head
18 of any Federal department or agency may detail any of
19 the personnel of that department or agency to the Com-
20 mission to assist the Commission in carrying out its duties
21 under this Act.

22 (d) The Comptroller General of the United States
23 may provide assistance, including the detailing of employ-
24 ees, to the Commission in accordance with an agreement
25 entered into with the Commission.

1 **SEC. 9. CONTRACTING AUTHORITY.**

2 (a) The Commission may procure by contract, to the
3 extent funds are available, the temporary or intermittent
4 services of experts and consultants pursuant to section
5 3109 of title 5, United States Code.

6 (b) The Commission may lease space and acquire per-
7 sonal property to the extent funds are available.

8 **SEC. 10. TERMINATION.**

9 The Commission shall cease operations and terminate
10 six years from the date of enactment of this Act.

11 **SEC. 11. DEVELOPMENT OF RECOMMENDATIONS TO THE**
12 **COMMISSION.**

13 (a) Not later than 120 days of enactment of this Act
14 and 120 days following the beginning of each fiscal year
15 thereafter, federal agencies shall submit to the Adminis-
16 trator and the chairperson of the Federal Real Property
17 Council, established pursuant to Executive Order 13327:

18 (1) Current data of all Federal civilian real
19 properties owned, leased or controlled by the respec-
20 tive agency, included all relevant information pre-
21 scribed by the Administrator and the chairperson of
22 the Federal Real Property Council.

23 (2) Recommendations which shall include:

24 (A) Federal civilian properties that can be
25 sold for proceeds and otherwise disposed of,
26 transferred, exchanged, consolidated, co-located,

1 reconfigured, or redeveloped, so as to reduce
2 the civilian real property inventory, reduce the
3 operating costs of the Federal Government, and
4 create the highest value for the taxpayer.

5 (B) Operational efficiencies that the Fed-
6 eral Government can realize in its operation
7 and maintenance of Federal civilian real prop-
8 erties.

9 (b) The Administrator, in consultation with the chair-
10 person of the Federal Real Property Council shall, not
11 later than 60 days following the date specified in sub-
12 section (a), review recommendations submitted pursuant
13 to subsection (a), develop standards and criteria and de-
14 velop recommendations based on those standards and cri-
15 teria. In developing the standards and criteria, the Admin-
16 istrator, in consultation with the chairperson of the Fed-
17 eral Real Property Council shall incorporate the following
18 principles:

19 (1) The extent to which a Federal building or
20 facility aligns with the current mission of the federal
21 agency.

22 (2) The extent to which there are opportunities
23 to consolidate similar operations across multiple
24 agencies or within agencies.

1 (3) The extent and timing of potential costs
2 and savings, including the number of years, begin-
3 ning with the date of completion of the proposed rec-
4 ommendation.

5 (4) The economic impact on existing commu-
6 nities in the vicinity of the Federal building or facil-
7 ity.

8 (5) The extent to which the utilization rate is
9 being maximized and is consistent with non-govern-
10 mental industry standards for the given function or
11 operation.

12 (6) The extent to which reliance on leasing for
13 long-term space needs is reduced.

14 (7) The extent to which the Federal building or
15 facility could be redeveloped or otherwise used to
16 produce the highest and best value for the taxpayer.

17 (8) The extent to which the operating and
18 maintenance costs are reduced through consoli-
19 dating, co-locating, and reconfiguring space, and
20 through realizing other operational efficiencies.

21 (9) The extent to which energy consumption is
22 reduced.

23 (c) SUBMISSION TO THE COMMISSION.—

24 (1) The standards, criteria, and recommenda-
25 tions developed pursuant to subsection (b) shall be

1 submitted to the Commission with all supporting in-
2 formation, data, analyses, and documentation.

3 (2) The standards, criteria, and recommenda-
4 tions shall be published in the Federal Register and
5 transmitted to the committees designated in section
6 5(b) of this Act and to the Comptroller General of
7 the United States.

8 (3) The Commission shall also have access to
9 all information pertaining to the recommendations,
10 including supporting information, data, analyses,
11 and documentation submitted pursuant to subsection
12 (a).

13 **SEC. 12. COMMISSION DUTIES.**

14 (a) IDENTIFICATION OF PROPERTY REDUCTION OP-
15 PORTUNITIES.—The Commission shall identify opportuni-
16 ties for the Government to reduce significantly its inven-
17 tory of civilian real property and reduce costs to the Fed-
18 eral Government.

19 (b) ANALYSIS OF INVENTORY.—The Commission
20 shall perform an independent analysis of the inventory of
21 Federal civilian real property and the recommendations
22 submitted pursuant to section 11.

23 (c) PUBLIC HEARING.—After performing an inde-
24 pendent analysis and reviewing the recommendations, the
25 Commission shall conduct public hearings. All testimony

1 before the Commission at a public hearing under this
2 paragraph shall be presented under oath.

3 (d) REPORTING OF INFORMATION AND REC-
4 OMMENDATIONS.—

5 (1) IN GENERAL.—Not later than 120 days
6 after the receipt of recommendations pursuant to
7 section 11, and biennially thereafter, the Commis-
8 sion shall, at a minimum, transmit to the President,
9 and publicly post on a Federal website maintained
10 by the Commission a report containing the Commis-
11 sion’s findings, conclusions, and recommendations
12 for the consolidation, exchange, co-location, reconfig-
13 uration, lease reductions, sale, and redevelopment of
14 Federal civilian real properties and for other oper-
15 ational efficiencies that can be realized in the Gov-
16 ernment’s operation and maintenance of such prop-
17 erties.

18 (2) CONSENSUS IN MAJORITY.—The Commis-
19 sion shall seek to develop consensus recommenda-
20 tions, but if consensus cannot be obtained, the Com-
21 mission may include in its report recommendations
22 that are supported by a majority of the Commission.

23 (e) FEDERAL WEBSITE.—The Commission shall es-
24 tablish and maintain a Federal website for the purposes
25 of making relevant information publically available.

1 (f) REVIEW BY GAO.—The Comptroller General of
2 the United States shall—

3 (1) assist the Commission, to the extent re-
4 quested, in the Commission’s review and analysis of
5 the recommendations submitted to the Commission
6 under section 11; and

7 (2) transmit to the Congress and to the Com-
8 mission a report containing a detailed analysis of the
9 recommendations and selection process.

10 **SEC. 13. REVIEW BY THE PRESIDENT.**

11 (a) REVIEW OF RECOMMENDATIONS.—Upon receipt
12 of the Commission’s recommendations, the President shall
13 conduct a review of such recommendations.

14 (b) REPORT TO COMMISSION AND CONGRESS.—Not
15 later than 30 days after receipt of the Commission’s rec-
16 ommendations, the President shall transmit to the Com-
17 mission and Congress a report that sets forth the Presi-
18 dent’s approval or disapproval of the Commission’s rec-
19 ommendations:

20 (1) If the President approves of the Commis-
21 sion’s recommendations, the President shall transmit
22 a copy of the recommendations to Congress, together
23 with a certification of such approval.

24 (2) If the President disapproves of the Commis-
25 sion’s recommendations, in whole or in part, the

1 President shall also transmit to the Commission and
2 Congress the reasons for such disapproval. The
3 Commission shall then transmit to the President,
4 not later than 30 days following the disapproval, a
5 revised list of recommendations.

6 (3) If the President approves all of the revised
7 recommendations of the Commission, the President
8 shall transmit a copy of such revised recommenda-
9 tions to Congress, together with a certification of
10 such approval.

11 (4) If the President does not transmit to the
12 Congress an approval and certification described in
13 paragraphs (1) or (3) within 30 days of receipt of
14 the Commission's recommendations or revised rec-
15 ommendations, as the case may be, the process shall
16 terminate until the following year.

17 **SEC. 14. CONGRESSIONAL CONSIDERATION OF THE REC-**
18 **COMMENDATIONS.**

19 (a) RESOLUTION OF DISAPPROVAL.—Not later than
20 45 days after the date of the President's transmission to
21 Congress of the approved recommendations pursuant to
22 section 13, Congress may enact a joint resolution as de-
23 scribed in subsection (c) to disapprove the Commission
24 recommendations.

1 (b) COMPUTATION OF TIME PERIOD.—For the pur-
2 poses of this section, the days on which either House of
3 Congress is not in session because of adjournment of more
4 than three days to a day certain shall be excluded in the
5 computation of the period of time.

6 (c) TERMS OF THE RESOLUTION.—For purposes of
7 this section, the term “joint resolution” means only a joint
8 resolution which is introduced within the 10-day period
9 beginning on the date on which the President transmits
10 the recommendations to Congress under section 13, and—

11 (1) which does not have a preamble;

12 (2) the matter after the resolving clause of
13 which is as follows: “That Congress disapproves the
14 recommendations of the Civilian Property Realign-
15 ment Commission as submitted by the President on
16 _____”, the blank space being filled
17 in with the appropriate date; and

18 (3) the title of which is as follows: “Joint reso-
19 lution disapproving the recommendations of the Ci-
20 vilian Property Realignment Commission”.

21 (d) REFERRAL.—A resolution described in subsection
22 (c) that is introduced in the House of Representatives
23 shall be referred to the Committee on Transportation and
24 Infrastructure in the House of Representatives. A resolu-
25 tion described in subsection (c) introduced in the Senate

1 shall be referred to the Committee on the Environment
2 and Public Works in the Senate.

3 (e) DISCHARGE.—If the committee to which a resolu-
4 tion described in subsection (c) is referred has not re-
5 ported such a resolution (or an identical resolution) by the
6 end of the 20-day period beginning on the date on which
7 the President transmits the report to the Congress under
8 section 13, such committee shall be, at the end of such
9 period, discharged from further consideration of such reso-
10 lution, and such resolution shall be placed on the appro-
11 priate calendar of the House involved.

12 (f) CONSIDERATION.—

13 (1) On or after the third day after the date on
14 which the committee to which such resolution is re-
15 ferred has reported, or has been discharged (under
16 subsection (e)) from further consideration of, such a
17 resolution, it is in order (even though a previous mo-
18 tion to the same effect has been disagreed to) for
19 any Member of the respective House to move to pro-
20 ceed to the consideration of the resolution. A mem-
21 ber may make the motion only on the date after the
22 calendar day on which the Member announces to the
23 House concerned the Member's intention to make
24 the motion, except that, in the case of the House of
25 Representatives, the motion may be made without

1 such prior announcement if the motion is made by
2 direction of the committee to which the resolution
3 was referred. The motion is highly privileged in the
4 House of Representatives and is privileged in the
5 Senate and is not debatable. The motion is not sub-
6 ject to amendment, or to a motion to postpone, or
7 to a motion to proceed to the consideration of other
8 business. A motion to reconsider the vote by which
9 the motion is agreed to or disagreed to shall not be
10 in order. If a motion to proceed to consideration of
11 the joint resolution is agreed to, the respective
12 House shall immediately proceed to the consider-
13 ation of the joint resolution without intervening mo-
14 tion, order, or other business, and the resolution
15 shall remain the unfinished business of the respec-
16 tive House until disposed of.

17 (2) Debate on the resolution and on all debat-
18 able motions and appeals in connection therewith,
19 shall be limited to not more than 2 hours, which
20 shall be divided equally between those favoring and
21 those opposing the resolution. An amendment to the
22 resolution is not in order. A motion further to limit
23 debate is in order and not debatable. A motion to
24 postpone, or a motion to proceed to the consider-
25 ation of other business, or a motion to recommit the

1 resolution is not in order. A motion to reconsider the
2 vote by which the resolution is agreed to or dis-
3 agreed is not in order.

4 (3) Immediately following the conclusion of the
5 debate on a resolution described in subsection (c)
6 and a single quorum call at the conclusion of the de-
7 bate if requested in accordance with the rules of the
8 appropriate House, the vote on final passage of the
9 resolution shall occur.

10 (4) Appeals from the decisions of the Chair re-
11 lating to the application of the rules of the Senate
12 or the House of Representatives, as the case may be,
13 to the procedure relating to a resolution described in
14 subsection (c) shall be decided without debate.

15 (g) CONSIDERATION BY OTHER HOUSE.—

16 (1) If, before the passage by one House of a
17 resolution of that House described in subsection (c),
18 that House received from the other House a resolu-
19 tion described in subsection (c), then the following
20 procedures shall apply:

21 (A) The resolution of the other House shall
22 not be referred to a committee and may not be
23 considered in the House receiving it except in
24 the case of final passage as provided in sub-
25 paragraph (B)(ii).

1 (B) With respect to a resolution described
2 in subsection (c) of the House receiving the res-
3 olution—

4 (i) the procedure in that House shall
5 be the same as if no resolution had been
6 received from the other House; but

7 (ii) the vote on final passage shall be
8 on the resolution of the other House.

9 (2) Upon disposition of the resolution received
10 from the other House, it shall no longer be in order
11 to consider the resolution that originated in the re-
12 ceiving House.

13 (h) RULES OF THE SENATE AND HOUSE.—This sec-
14 tion is enacted by Congress—

15 (1) as an exercise of the rulemaking power of
16 the Senate and House of Representatives, respec-
17 tively, and as such it is deemed a part of the rules
18 of each House, respectively, but applicable only with
19 respect to the procedure to be followed in that
20 House in the case of a resolution described in this
21 section, and it supersedes other rules only to the ex-
22 tent that it is inconsistent with such rules; and

23 (2) with full recognition of the constitutional
24 right of either House to change the rules (so far as
25 relating to the procedure of that House) at any time,

1 in the same manner, and to the same extent as in
2 the case of any other rule of that House.

3 (i) FAILURE TO PASS RESOLUTION OF DIS-
4 APPROVAL.—If Congress fails to pass such a joint resolu-
5 tion within 45 calendar days from the date of the Presi-
6 dent’s transmission to Congress of the Commission’s rec-
7 ommendations, the recommendations immediately gain
8 legal force and shall be in effect and federal agencies shall
9 implement and carry out all of the Commission’s rec-
10 ommendations pursuant to section 15.

11 **SEC. 15. IMPLEMENTATION OF COMMISSION REC-**
12 **COMMENDATIONS.**

13 (a) Upon the date specified in subsection 14(i), fed-
14 eral agencies shall immediately begin preparation to carry
15 out the Commission’s recommendations and shall initiate
16 all activities no later than two years after the date on
17 which the President transmits the recommendations to
18 Congress. Agencies shall complete all recommended ac-
19 tions no later than the end of the six-year period beginning
20 on the date on which the President transmits the Commis-
21 sion’s recommendations to Congress. All actions are ex-
22 pected to be economically beneficial and be cost neutral
23 or otherwise favorable to the Federal Government. For ac-
24 tions that will take longer than the six-year period due
25 to extenuating circumstances, federal agencies shall notify

1 the President and Congress as soon as the extenuating
2 circumstance presents itself with an estimated time to
3 complete the relevant action.

4 (b) In taking actions related to any Federal building
5 or facility under this Act, federal agencies may, pursuant
6 to subsection (c), take all such necessary and proper ac-
7 tions, including—

8 (1) acquiring land, constructing replacement fa-
9 cilities, performing such other activities, and con-
10 ducting advance planning and design as may be re-
11 quired to transfer functions from a Federal asset or
12 property to another Federal property;

13 (2) providing outplacement assistance to civilian
14 employees employed by any federal agency at a Fed-
15 eral property impacted by such actions; and

16 (3) reimbursing other federal agencies for ac-
17 tions performed at the request of the Commission.

18 (c) When acting on a recommendation of the Com-
19 mission, a federal agency shall continue to act within their
20 existing legal authorities, whether it has been delegated
21 by the Administrator, or must work in partnership with
22 the Administrator to carry out such actions. The Adminis-
23 trator may, notwithstanding any other provision of law,
24 take such necessary and proper actions, including the sale,
25 conveyance, or exchange of civilian real property, as re-

1 quired to implement the Commission recommendations in
2 the time period required under subsection (a).

3 (d) For any transaction identified, recommended or
4 commenced as a result of this Act, any otherwise required
5 legal priority given to, or requirement to enter into, a
6 transaction to convey a Federal civilian real property for
7 less than fair market value, for no consideration at all,
8 or in a transaction that mandates the exclusion of other
9 market participants, shall be at the discretion of the Com-
10 mission.

11 **SEC. 16. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated in fiscal year
13 2012:

14 (1) \$23,000,000 for salaries and expenses of
15 the Commission; and

16 (2) \$65,000,000 to be deposited into the Asset
17 Proceeds and Space Management Fund for activities
18 related to the implementation of the Commission
19 recommendations.

20 **SEC. 17. FUNDING.**

21 (a) CREATION OF SALARIES AND EXPENSES AC-
22 COUNT.—There is hereby established on the books of the
23 Treasury an account to be known as the “Civilian Prop-
24 erty Realignment Commission—Salaries and Expenses”
25 account.

1 (1) NECESSARY PAYMENTS.—There shall be de-
2 posited into the account such amounts, as are pro-
3 vided in appropriations Acts, for those necessary
4 payments for salaries and expenses to accomplish
5 the administrative needs of the Commission.

6 (2) NO APPROPRIATIONS.—If no amounts are
7 appropriated for the salaries and expenses of the
8 Commission for a particular fiscal year, the Director
9 of the Office of Management and Budget may sup-
10 port the Commission’s activities under this Act dur-
11 ing such year if the Director of the Office of Man-
12 agement and Budget approves either or both of the
13 following actions:

14 (A) In consultation with the Administrator,
15 a transfer to the Commission of amounts from
16 the “Civilian Property Realignment Commis-
17 sion—Asset Proceeds and Space Management
18 Fund” within the Federal Buildings Fund es-
19 tablished under section 592 of title 40, United
20 States Code.

21 (B) A transfer to the Commission of not
22 more than \$8,000,000 from unobligated
23 amounts in accounts of Federal civilian prop-
24 erty-holding agencies.

1 (b) CREATION OF ASSET PROCEEDS AND SPACE
2 MANAGEMENT FUND.—There is hereby established within
3 the Federal Buildings Fund established under section 592
4 of title 40, United States Code, an account to be known
5 as the “Civilian Property Realignment Commission—
6 Asset Proceeds and Space Management Fund” which shall
7 be solely used for the purposes of carrying out actions pur-
8 suant to the Commission recommendations approved
9 under section 14. There shall be deposited into the ac-
10 count—

11 (1) such amounts as are provided in appropria-
12 tions Acts, to remain available until expended, for
13 the consolidation, co-location, exchange, redevelop-
14 ment, re-configuration of space and other actions
15 recommended by the Commission for federal agen-
16 cies;

17 (2) gross proceeds received from the proceeds of
18 any civilian real property action taken pursuant to
19 a recommendation of the Commission under section
20 15. The Commission, with the consent of the Admin-
21 istrator, may transfer, from the gross proceeds to a
22 federal agency, amounts necessary to cover costs as-
23 sociated with implementing the recommendations
24 pursuant to section 15; and

1 (3) net proceeds (which are gross proceeds re-
2 ceived from the sale of any civilian real property
3 pursuant to a recommendation of the Commission,
4 less the amounts transferred from this account
5 under section 17(a)(2)(A) and (b)(2) of this Act,
6 shall be divided between the General Fund of the
7 Treasury, federal agencies (for the purpose of real
8 property management reinvestment), and the Asset
9 Proceeds and Space Management Fund within the
10 Federal Buildings Fund. On an annual basis, the
11 Director of the Office of Management and Budget,
12 shall determine how the net proceeds shall be dis-
13 tributed, through transfer, between the General
14 Fund, federal agencies, and the Asset Proceeds and
15 Space Management Fund, but in no case shall the
16 General Fund receive less than sixty percent of the
17 net proceeds. Such proceeds, as distributed by the
18 Director of the Office of Management and Budget to
19 the Asset Proceeds and Space Management Fund,
20 shall, notwithstanding section 3307 of title 40,
21 United States Code, remain available until expended
22 to carry out the duties specified under this Act. In
23 implementing the Commission recommendations, the
24 Administrator, may, notwithstanding section 3307 of
25 title 40, United States Code, transfer from the

1 Space Management Fund, to a federal agency,
2 amounts—

3 (A) to cover the necessary costs associated
4 with—

5 (i) consolidation, co-location, redevel-
6 opment, and reconfiguration actions; and

7 (ii) other actions taken to otherwise
8 realize operational efficiencies, including
9 such actions as environmental restoration;
10 and

11 (B) for outplacement assistance to Federal
12 employees who work at a Federal property that
13 is affected by actions taken under this section,
14 and whose employment would be terminated as
15 a result of such disposal, consolidation, or other
16 realignment.

17 **SEC. 18. DISPOSAL OF REAL PROPERTIES.**

18 (a) Notwithstanding any other provision of law, any
19 recommendation or commencement of a disposal or re-
20 alignment of civilian real property shall not be subject
21 to—

22 (1) section 545(b)(8) of title 40, United States
23 Code;

24 (2) sections 550, 554, and 553 of title 40,
25 United States Code;

1 (3) section 501 of the McKinney-Vento Home-
2 less Assistance Act (42 U.S.C. 11411);

3 (4) section 667(b)–(d) of title 16, United States
4 Code;

5 (5) section 47151 of title 49, United States
6 Code;

7 (6) sections 107 and 317 of title 23, United
8 States Code;

9 (7) section 1304(b) of title 40, United States
10 Code;

11 (8) section 1622(d) of title 50, United States
12 Code Appended;

13 (9) any other provision of law authorizing the
14 conveyance of real property owned by the Federal
15 Government for no consideration; and

16 (10) any congressional notification requirement
17 other than that in section 545 of title 40, United
18 States Code.

19 (b) Nothing in subsection (a) shall be construed to
20 modify, alter, or amend any other required environmental
21 or historical review, recordkeeping, or notice requirements
22 otherwise implicated in a conveyance of Federal civilian
23 real property.

24 (c) PUBLIC BENEFIT.—

1 (1) For those properties that the Commission
2 has determined should be reviewed for potential use
3 by the homeless or for any of the other public bene-
4 fits enumerated in subsection (a), the Commission
5 shall submit to the Secretary of Housing and Urban
6 Development (Secretary of HUD), on the same day
7 it submits its report to the President, any such in-
8 formation on the building or property that concerns
9 the decision regarding the civilian property's dis-
10 posal. Within 30 days the Secretary of HUD must
11 return to the Commission with a report summarizing
12 a determination of the suitability of the civilian real
13 properties recommended to be disposed as properties
14 fit to help the cause of homeless assistance.

15 (2) Within 30 days of the Commission's sub-
16 mission to the President and public release of the
17 Commission's recommendations, any representatives
18 of the homeless proposing interest in the use of
19 property that the Commission has determined should
20 be reviewed for potential use by the homeless or for
21 any of the other public benefits enumerated in sub-
22 section (a), may submit a notice of interest con-
23 taining the following to the Commission and to the
24 Secretary of HUD:

1 (A) A description of the homeless assist-
2 ance program that the representative proposes
3 to carry out at the installation.

4 (B) An assessment of the need for the pro-
5 gram.

6 (C) A description of the extent to which
7 the program is or will be coordinated with other
8 homeless assistance programs in the commu-
9 nities in the vicinity of the installation.

10 (D) A description of the buildings and
11 property that are necessary in order to carry
12 out the program.

13 (E) A description of the financial plan, the
14 organization, and the organizational capacity of
15 the representative to carry out the program.

16 (F) An assessment of the time required in
17 order to commence carrying out the program.

18 (3) The Secretary of HUD shall review and cer-
19 tify submissions from representatives of the home-
20 less and submit to the Commission an assessment of
21 the validity and merits of the notice of interest with-
22 in 60 days from the date the Commission submits
23 its report to the President. In the case where more
24 than one notice of interest is entered for a property,
25 the Secretary shall indicate to the Commission which

1 planned use of the property for the homeless has
2 more merit.

3 (4) Within 30 days of the Commission's sub-
4 mission to the President and public release of the
5 Commission's recommendations, any parties pro-
6 posing interest in the property that the Commission
7 has determined should be reviewed for any other
8 public benefit programs enumerated in subsection
9 (a), for a use that is not homeless assistance, may
10 submit a notice of interest to the Commission and
11 to the federal agency that is otherwise tasked by law
12 to review applications for the public benefit convey-
13 ance program under which the party is applying.
14 The notice of interest must contain the information
15 otherwise required by the law creating the convey-
16 ance program.

17 (5) Federal agencies that have been tasked with
18 reviewing application for public benefit conveyance
19 programs, that receive notices of interest with infor-
20 mation pertaining to the certification of the validity
21 of a proposed public benefit conveyance operating
22 under one of the uses under subsection (a) that are
23 not homeless assistance, shall review and certify sub-
24 missions from parties proposing such future use for
25 the property and submit to the Commission an as-

1 sessment of the validity and merits of the informa-
2 tion contained in the notice of interest within 60
3 days from the date the Commission submits its rec-
4 ommendations to the President. In the case where
5 more than one notice of interest is entered for a
6 property, the Secretary of the reviewing agency shall
7 indicate to the Commission which planned use of the
8 property has more merit.

9 (6) The Commission shall compile all informa-
10 tion and assessments regarding submitted notices of
11 interest about properties and, upon the moment that
12 the recommendations gain legal force after consider-
13 ation by Congress, forward them to the agencies
14 that maintain custody and control over the civilian
15 real properties to be disposed for their consideration
16 in implementing the Commission's recommendations.

17 (7) In the event a property reviewed by HUD
18 is found to be fit for use by the homeless and HUD
19 has identified a representative of the homeless whose
20 notice of interest is certified, or, in the event of
21 more than one notice of interest on the property,
22 whose notice of interest is deemed to have the most
23 merit by HUD, the agency maintaining custody or
24 control of the property, in accordance with sub-
25 section (a), shall commence conveyance of the prop-

1 erty to that representative of the homeless upon the
2 recognition that the Commission's recommended ac-
3 tivity to convey the property for one of those uses
4 in subsection (a) has gained legal force. In the event
5 a reviewed property is found to be unfit for use by
6 the homeless, or there is no identified notice of in-
7 terest on the property by a representative of the
8 homeless, the agency shall then look to whether
9 there are any parties that have expressed interest in
10 the property for one of those uses in subsection (a)
11 that are not homeless assistance and whether any
12 Federal reviewing agency has certified one of those
13 uses. If so, the agency maintaining custody or con-
14 trol of the property shall commence conveyance of
15 the property to that party that proposed the cer-
16 tified use upon the recognition that the Commis-
17 sion's recommended activity to convey the property
18 for one of those uses in subsection (a) has gained
19 legal force. In the event that more than one party
20 that has expressed interest in the property in this
21 manner exists, the agency shall have the discretion
22 to choose among them.

23 (8) In the event a property does not qualify for,
24 or there is no interest in a property reviewed for one
25 of those uses in subsection (a) upon the recognition

1 that the Commission’s recommended activity to con-
2 vey the property for one of those uses in subsection
3 (a) has gained legal force, the agency shall have the
4 discretion to choose among any other remaining
5 ways to implement the recommendation regarding
6 the property.

7 (d) ENVIRONMENTAL CONSIDERATIONS.—

8 (1) The provisions of the National Environ-
9 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
10 shall not apply to the actions of the President, the
11 Commission, or any agency, in carrying out any of
12 the Commission’s recommendations except—

13 (A) during the process of property dis-
14 posal; and

15 (B) during the process of relocating func-
16 tions from a property being disposed of or re-
17 aligned to another property after the receiving
18 property has been selected but before the func-
19 tions are relocated.

20 (2) In applying the provisions of the National
21 Environmental Policy Act of 1969 to the processes
22 referred to in subsection (d)(1), the agencies do not
23 have to consider—

1 (A) the need for closing or realigning the
2 property which has been recommended for clo-
3 sure or realignment by the Commission;

4 (B) the need for transferring functions to
5 another Federal property; or

6 (C) any alternative path, not associated
7 with an environmental choice, to those rec-
8 ommended or selected.

9 (3) A civil action for judicial review, with re-
10 spect to any requirement of the National Environ-
11 mental Policy Act of 1969 to the extent such Act is
12 applicable under subsection (d)(2), of any Act or
13 failure to act by a federal agency during the closing,
14 realigning, or relocating of functions referred to in
15 subsection (d)(2), may not be brought more than 60
16 days after the dates of such act or failure to act.

17 (4) Agencies may dispose or realign property
18 without regard to any provision of law restricting
19 the use of funds for disposing or realigning Federal
20 property included in any appropriations or author-
21 ization Act.

22 (5) Notwithstanding Section 120(h) of the
23 Comprehensive Environmental Response, Compensa-
24 tion, and Liability Act of 1980 (42 U.S.C. 9620(h)),
25 federal agencies may enter into an agreement to

1 transfer the deed real property with any person who
2 agrees to perform all environmental restoration,
3 waste management, and environmental compliance
4 activities that are required for the property or facili-
5 ties under Federal and State laws, administrative
6 decisions, agreements (including schedules and mile-
7 stones), and concurrences. This type of transfer may
8 only happen if the head of the transferring agency
9 can certify to Congress that—

10 (A) the costs of all environmental restora-
11 tion, waste management, and environmental
12 compliance activities otherwise to be paid by the
13 Secretary with respect to the property or facili-
14 ties are equal to or greater than the fair market
15 value of the property or facilities to be trans-
16 ferred, as determined by the Secretary; or

17 (B) if such costs are lower than the fair
18 market value of the property or facilities, the
19 recipient of the property or facilities agrees to
20 pay the difference between the fair market
21 value and such costs.

22 (6) In the case of property that may be trans-
23 ferred pursuant to this Act, the Agency may pay the
24 recipient of such property or facilities an amount
25 equal to the lesser of—

1 (A) the amount by which the costs in-
2 curred by the recipient of such property or fa-
3 cilities for all environmental restoration, waste
4 management, and environmental compliance ac-
5 tivities with respect to such property or facili-
6 ties exceed the fair market value of such prop-
7 erty or facilities as specified in such certifi-
8 cation; or

9 (B) the amount by which the costs (as de-
10 termined by the Secretary) that would other-
11 wise have been incurred by the Secretary for
12 such restoration, management, and activities
13 with respect to such property or facilities exceed
14 the fair market value of such property or facili-
15 ties as so specified.

16 (7) As part of an agreement pursuant to this
17 Act, the Secretary shall disclose to the person to
18 whom the property or facilities will be transferred
19 any information of the Agency regarding the envi-
20 ronmental restoration, waste management, and envi-
21 ronmental compliance activities described in this Act
22 that relate to the property or facilities. The Agency
23 shall provide such information before entering into
24 the agreement.

1 (e) Nothing in this subsection shall be construed to
 2 modify, alter, or amend the Comprehensive Environmental
 3 Response, Compensation, and Liability Act of 1980 (42
 4 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42
 5 U.S.C. 6901 et seq.).

6 **SEC. 19. CONGRESSIONAL APPROVAL OF PROPOSED**
 7 **PROJECTS.**

8 (a) Section 3307(b) of title 40, United States Code
 9 is amended by:

10 (1) striking “;and” at the end of paragraph (6)
 11 and inserting “;”;

12 (2) striking “.” at the end of paragraph (7) and
 13 inserting “;”;

14 (3) adding at the end the following new para-
 15 graph:

16 “(8) a statement of how the proposed project is
 17 consistent with section 11(b) of the Civilian Prop-
 18 erty Realignment Act.”.

19 **SEC. 20. LIMITATION OF CERTAIN LEASING AUTHORITIES.**

20 Chapter 33 of title 40, United States Code, is amend-
 21 ed by adding at the end the following new section:

22 **“3317. LIMITATION ON LEASING AUTHORITY OF OTHER**
 23 **AGENCIES.**

24 “(a) IN GENERAL.—Notwithstanding any other pro-
 25 vision of law, no executive agency may lease space for the

1 purposes of a public building as defined under section
2 3301, except as provided under section 585 and the provi-
3 sions of in this chapter.

4 “(b) CONSTRUCTION.—Nothing in this section shall
5 be construed as creating new authority for executive agen-
6 cies to enter into leases.”.

7 **SEC. 21. IMPLEMENTATION REVIEW BY GAO.**

8 Upon the date specified in section 14(i), the Comp-
9 troller General of the United States shall at least annually
10 monitor, review the implementation activities of federal
11 agencies pursuant to section 15, and report to Congress
12 any findings and recommendations.

○